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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/616,605	07/14/2000	Scott A. Klinger	2182.1011-001	6154

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EXAMINER

GEREZGIHER, YEMANE M

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 02/12/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application N .

09/616,605

Applicant(s)

KLIGER ET AL.

Examiner

Yemane M Gerezgiher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/14/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This application has been examined. Claims 1-21 are pending.

### ***Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angles et al (U.S. Patent Number 5,933,811) in view of Balassanian (U.S. Patent Number 6,324,685).

As per claims 1, 10 and 19, Angles disclosed a method and a system of delivering customized advertisements within interactive communication systems wherein a client/consumer *downloaded a web page file from a web server, the web page file including at least one advertisement fragment*. See Abstract, Fig. 3, steps referred to as 302, 304, col. 2, lines 62-66 and col. 3, lines 40-49. Angles disclosed *locating an advertisement program in the advertising provider/server based on the advertisement fragment embedded within the document* where the advertisement server contained an advertising module/program stipulating steps in constructing customized advertisements. See Fig. 3, steps referred to as 306, 308, and 310, Fig. 4, col.2, lines 54-59, col.2, line 66 through col. 3, line 5. Angles showed a consumer receiving an

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executable program enabling the browser at the client computer to display the customizable advertisement sent from the advertisement server. See col. 3, lines 23-28 and Figs. 3 and 4. Since the described method/system is used through the means of computers, *a computer program comprising a computer usable medium comprising a set of computer program instructions embedded on the computer usable medium, including instructions to download a web page file from a web server*, were inherently disclosed by Angles.

Angles disclosed the claimed limitation (*determining user profile parameters for constricting customizable advertisements; and using the user profile parameters as input to the advertisement program when constructing the customizable advertisement*) (claims 2, 11, and 20). See col. 3, lines 6-17, and col. 3, lines 56-64. Regarding to claims 3-5 and 12 –14, Angles disclosed determination of *run time specific information* used as input to the advertising program that was read from a *web browser cookie file and by reading a computer specific identifier from the client computer* See col. 6, lines 59-65, col. 8, lines 56-61 and col. 11, lines 2-49. As per claims 6 and 15, Angles taught the *advertisement fragment* embedded with in the document been *populated* with advertisement content by the advertising server. See column 8, lines 58-61. As per claims 7 and 16, Angles disclosed *advertising fragment stored on advertising server separate from the web serve*. See column 8, lines 33-54 and Fig. 3, Angels recited, "Referring to FIG. 3, an overview of the process of a consumer requesting an electronic document is shown. At start state 300 the process initializes and moves to state 302 wherein the consumer computer 12 requests an electronic page 32 from the content

*provider computer 14. As discussed in more detail below, the consumer computer 12 uses Internet browsing software (not shown) to access the content provider's URL address. The consumer browser software then accesses an electronic document 32 stored on the content provider computer 14. Moving to state 304, the content provider computer 14 sends the electronic document 32 and the embedded advertisement request to the consumer computer 12. Proceeding to state 306, the consumer computer executes the advertisement request 26 and establishes a communications link with the advertisement provider computer 18. Proceeding to state 308, the advertisement request 26 directs the advertisement provider computer 18 to execute a content provider script which contains the content provider member code. In addition, during state 308, the advertisement provider computer 18 obtains the consumer member code 22 stored on the consumer computer 12". Angles showed constructing the advertisement banner step of further comprising, requesting advertising content from the advertisement server (claims 8 and 17) and where the requesting advertising further comprised requesting content from a content server in communication with the advertisement server (claims 9 and 18). See Fig. 11. Angles substantially disclosed the claimed invention as claimed, however Angles did not explicitly teach an applet program and applet server.*

An artisan who was aware of Angles's invention at the time the applicant's invention was made would have been motivated to look for teachings that may have allowed the use of applet programs and applet server. In these arts Balassanian disclosed an applet server and applet programs that provides applets in various forms

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based on requests received from client computers where the requests specified client-desired format in which the applets were to be delivered. See Abstract, Fig. 1 and col. 3, lines 9-64.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Balassanian related to applets and have modified the teachings of Angles related to customized advertising by using an applet server as a replacement or as an additional object for the advertisement server, because applets are platform independent ("the Java programming language is a robust, secure, architecture-neutral, portable, general-purpose programming language developed by Sun Microsystems. Java supports programming for the Internet in the form of independent Java applets"). See Angles col. 23, lines 20-24.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

a. Gampper, James Michael (U.S. Patent Number 6,553,417) Entitled:  
*Internet data access acknowledgment applet and method*

b. Landsman, Rick W. et al. (U.S. Patent Number 6,516,338) Entitled:  
*Apparatus and accompanying methods for implementing network servers for use in providing interstitial web advertisements to a client computer*

c. Gupta, Amit et al. (U.S. Patent Number 6,487,538) Entitled: *Method and apparatus for local advertising*

- d. Linsk, Steven J. (U.S. Patent Number 6,353,849) Entitled: *System and server for providing customized web information based on attributes of the requestor*
- e. Himmel, Maria Azua et al. (U.S. Patent Number 6,321,256) Entitled: *Method and apparatus for controlling client access to documents*
- f. Roth, David William et al. (U.S. Patent Number 6,285,987) Entitled: *Internet advertising system*
- g. Thomas, C. Douglass (U.S. Patent Number 6,128,663) Entitled: *Method and apparatus for customization of information content provided to a requestor over a network using demographic information yet the user remains anonymous to the server*
- h. Beck, Teresa Marie et al. (U.S. Patent Number 6,026,371) Entitled: *Method and apparatus for allowing online directory producers to preview advertisement in online directory listings*
- i. LeMole, Suzanne L. et al. (U.S. Patent Number 6,009,410) Entitled: *Method and system for presenting customized advertising to a user on the World Wide Web*
- j. Gerace, Thomas A. (U.S. Patent Number 5,991,735) Entitled: *Computer program apparatus for determining behavioral profile of a computer user*

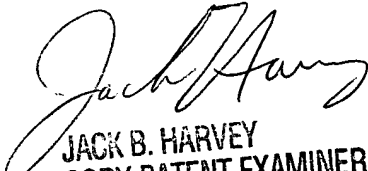
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5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Yemane Gerezgiher whose telephone number is 703-305-4874. The examiner can normally be reached on Monday- Friday from 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful. The examiner's supervisor, Harvey Jack B, can be reached at (703) 305-9705.

Yemane Gerezgiher  
AU 2144

January 29, 2004

  
JACK B. HARVEY  
SUPERVISORY PATENT EXAMINER